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FM SECSTATE WASHDC

TO ALL DIPLOMATIC AND CONSULAR POSTS COLLECTIVE PRIORITY

UNCLAS STATE 126715

PASS TO ALL USAID MISSIONS

E.O. 12958: N/A

TAGS: ALOW, AMGT, APER, AFIN

SUBJECT: Frequently Asked Questions (FAQs) on Change
in Involuntary Separate Maintenance Allowance (ISMA)
Rate

Ref: (A) STATE 89998 AND (B) STATE 90749

1. Per refs a and b, effective May 1, 2005, the Acting Under Secretary of State for Management approved a higher rate of Involuntary Separate Maintenance Allowance (ISMA). The new rate schedule is contained in refs a and b and can be found in section 267.1 of the Department of State Standardized Regulations (DSSR) on the Office of Allowances internet website at <http://www.state.gov/m/a/als/> and intranet website at <http://aoprals.a.state.gov/>. Please send questions on the new rates to the Office of Allowances at allowanceso@state.gov.

BELOW ARE SOME QUESTIONS AND ANSWERS ON THE NEW RATES.

Q1. When is the actual implementation date for ISMA?

A. The Acting Under Secretary for Management established higher rates for Involuntary Separate Maintenance Allowance effective May 1, 2005. FSC Charleston is working on processing the requisite payments from May 1 onward and will make adjustments

as soon as possible.

Q2. If I am already on ISMA, do I have to fill out any forms to get the higher rate? A. If an employee is currently serving at an unaccompanied post and family members are on SMA, then the employee does not need to complete a new SF-1190. However, if the employee's family members are on ISMA because of a medical condition or other factor that prevents them from proceeding to post with the employee, the employee should complete a new SF-1190 and include an explanation of why separate maintenance allowance is involuntary, not voluntary, in that particular situation. The employee does not need to go into great detail regarding the medical reason for ISMA, but should give the family member's medical clearance level (e.g. class 5) and a point of contact in MED.

Please note that from the standpoint of the Department of State's payroll system, if one member of a family is on Involuntary SMA, then all members of that family on SMA are considered to be on ISMA. The State Department payroll system cannot calculate different types of SMA - ISMA and VSMA - for the same household.

Q3. I am leaving post July 15. My family has been on involuntary SMA since early 2004. Do we get the benefit of the higher rate retroactively?

A. The higher rate for involuntary SMA is only effective from May 1, 2005 onward. The allowance is not payable for periods on ISMA before May 1, 2005.

Q4. I am in HR/CDA. Is there any change in the way we have to report or fill out forms for ISMA?

A. Upon assignment to a new post, eligibility for ISMA begins on the latest of the following dates: date on which the employee submits the SF-1190 application; date of assignment; date on which employee begins to travel to the new post of assignment; or date of separation from family members. During a tour of duty, eligibility for ISMA begins on the later of the following dates: date the employee submits the SF-1190 or date of separation from family members. In order to be eligible for ISMA benefits, it is imperative that the employee promptly submit the requisite paperwork (e.g. SF-1190). CDO's should counsel and encourage their clients accordingly.

Q5. If families are separated for the convenience of the government, why are all of our housing expenses

not covered like they would be at post?

A. The purpose of both Voluntary and Involuntary Separate Maintenance Allowances is to help defray the additional expenses associated with maintaining family members elsewhere than at post. The allowances are not meant to fully cover a family's expenses. The rates for Involuntary SMA are based on data provided by the Bureau of Labor Statistics for the average cost of maintaining a household in the continental United States. The costs include average rent, utilities, miscellaneous furnishings and supplies. Because individual circumstances vary and most people do not live in the "average" area in CONUS, the rates may not fully cover each family's costs.

Q6. If the post allows only spouses (or spouses and children under 5), but a spouse cannot go because there are children (or older children), is the employee then eligible for ISMA?

A. In addition to fully unaccompanied status, the Department has recently added the category of "partially unaccompanied" posts, i.e. Only adult EFMs, or adult EFMs and small children, are permitted. If minor children (under the age of 18 years) may not proceed to post and are therefore eligible for ISMA, a parent or step-parent may remain at the separate household to care for them and would also be eligible for ISMA. Questions on unusual circumstances should be sent to the Director of the Office of Allowances at allowanceso@state.gov.

Q7. If an evacuation runs 180 days and the post then goes to unaccompanied status, Transitional SMA (TSMA) kicks in. How does the new rate affect TSMA?

A. The purpose of TSMA after an evacuation and conversion of post to unaccompanied status is to allow family members in commercial quarters time to establish themselves in permanent housing. TSMA is only available for family members occupying commercial quarters (for a definition of commercial quarters, see DSSR 262.3a). TSMA for this purpose is available for up to 60 calendar days. In rare cases it may be extended for an additional 30 days, not to exceed 90 days. TSMA is listed as a daily rate and varies by length of time and family size. DSSR 267.1b contains the rate schedule for TSMA.

ISMA is intended to help defray the expenses of maintaining a separate household in non-commercial quarters when family members cannot accompany an employee to post. ISMA rates vary by family size and

are listed as a yearly amount (DSSR 267.1a). That amount can be prorated to a daily amount (see DSSR 267.3).

Because ISMA is not intended to help maintain a family in commercial quarters, the rates are significantly less than TSMA. If family members are occupying commercial quarters when an evacuation terminates and a post becomes unaccompanied, they should apply for TSMA. Once they meet the criteria in DSSR 266.4, such as occupying non-commercial quarters or delivery of the complete HHE shipment, then the family should convert to ISMA. The employee will need to complete a new SF-1190 for the family members when they move from TSMA to ISMA.

Q8. What happens if the family has been on ISMA and the post status changes back to accompanied, but because we are in the middle of the school year it is not advisable for the family to move? Can the employee continue to receive ISMA, or does it shift back to voluntary? If it shifts to voluntary, do I need to fill in another SF-1190?

A. When an unaccompanied post becomes safe enough for EFMs to return and the status changes to at least partially accompanied, the higher ISMA rates will continue for 90 days. Before the 90 day period ends, the employee will need to submit a new SF-1190 form to continue either ISMA (if partially unaccompanied and the employee's EFMS may not return) or VSMA (if the employee's EFMS could return but choose not to).

Q9. If a family member fails to get a medical clearance, is the employee eligible for involuntary SMA? Is there a reporting requirement with regard to the medical condition? Do you have to continue to demonstrate the medical need for ISMA? If there is no longer justification for a medical ISMA, would the EFM still be eligible for voluntary SMA?

A. An employee may receive Involuntary SMA for a family member if that family member is prevented from proceeding to post due to a medical condition. The Office of Medical Services or other competent medical authority must certify in writing that the family member's medical condition prevents the family member from going to post. That certification could be a memo, cable or email that is attached to the SF-1190, Foreign Allowances Application, Grant and Report. If the family member's medical condition changes and the family member may proceed to post, but chooses not to, the employee is eligible for Voluntary SMA.

The employee must immediately submit the new SF-1190 documenting that the EFM's status has changed. Please note that an employee may only elect VSMA for family members once during a tour of duty and the employee and family member must be separated for at least 90 days. The change of election may not take place during the employee's first or last 90 days during the tour of duty. (DSSR 264.2(2)).

Q10. I am assigned to an accompanied post and my family members are with me. Unfortunately, one of my EFMs has developed a medical condition and the Regional Medical Officer has stated that he cannot remain at post with me. He will return to the United States to get medical treatment for the remainder of my tour. May I put him on SMA? What type of SMA would he receive - voluntary or involuntary?

A. You should submit an SF-1190 to your post management officer to apply for SMA on behalf of your EFM. Please note on the SF-1190 that you are applying for involuntary SMA because the Office of Medical Services has limited your EFM's medical clearance in such a way that he is not permitted to reside with you at post. Please attach documentation from the RMO or Office of Medical Services indicating that needed medical facilities are not available at post and therefore the EFM's medical clearance is being limited. You would then be eligible for ISMA on behalf of your EFM.

Q11. What support is available to families on involuntary separation?

A. The Family Liaison Office (FLO) takes the lead on providing support to families on separate maintenance, both voluntary and involuntary, as well as those on evacuation status. FLO is setting up a network of support for families on involuntary separate maintenance and wants you to contact FLO with your email address and telephone number. FLO has developed a resource book and a website for unaccompanied tours on the internet website <http://www.state.gov/m/dghr/flo/c14521.htm>.

Q12. How does ISMA relate to travel of separated families?

A. Travel for children of separated families described in 3FAM 3753 does apply to children on involuntary separate maintenance allowance. Since children are not allowed to visit an unaccompanied post, travel would have to be to an alternate location.

Minimize considered.
RICE